

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

WILL BRADSHAW,

Plaintiff,

V.

**JOSEPH SALVAGGIO; KELLY
KUENSTLER; CATHERINE
RODRIGUEZ; DONNA CHARLES;
MONICA ALCOCER,**

Defendants.

CIVIL ACTION NO. SA-20-CA-1168-FB

ORDER GRANTING TEMPORARY RESTRAINING ORDER

Before the Court is plaintiff's *ex parte* emergency motion for a temporary restraining order (contained within docket no. 4) alleging that the defendants are working in concert to remove him from his duly elected city council position. Plaintiff alleges defendants have retaliated against him for engaging in protected conduct under the First Amendment, violated his substantive and procedural due process rights guaranteed by the Fourteenth Amendment and the Texas Constitution, and deprived him of his civil rights under 42 U.S.C. § 1983.

The Court clearly cannot rule on the merits of plaintiff's allegations until such time as defendants can be heard.

Were the court not to grant temporary relief, plaintiff's possible removal at the October 5, 2020, special city council meeting could render his alleged cause of action moot. *See City of Leon Valley v. Martinez*, No. 04-19-00879-CV, 2020 WL 4808711, at *5-8 (Tex. App.—San Antonio Aug. 19, 2020, no pet. h.).


Accordingly, IT IS ORDERED that plaintiff's *ex parte* emergency motion for a temporary restraining order (contained within docket no. 4) is GRANTED such that defendants in their individual and official capacities are temporarily restrained from taking any action to remove plaintiff, Will Bradshaw, from office. Defendants are not temporarily restrained from conducting any other official city business. No bond is required at this time

IT IS FURTHER ORDERED that plaintiff shall promptly obtain service of process on defendants and promptly serve defendants with a copy of this Order.

IT IS FINALLY ORDERED that defendants shall file a response to plaintiff's request for a preliminary injunction (contained within docket no. 4) on or before **October 13, 2020**.

It is so ORDERED.

SIGNED this 2nd day of October, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE